

## MEETING MINUTES, PLANNING COMMISSION, APRIL 28, 2008

**Present:** Phil Tinkle, Brent Corey, Tom McClain, Bettina Settles, Tom Bridges, Duane O'Neal, Alford Kessinger, Carmen Madsen, Mark Richards, City Engineer; Shawna Koons-Davis, City Attorney; Janice Nix, Recording Secretary

The meeting was called to order at 7:00 p.m. by Phil Tinkle, Vice-President.

### PREVIOUS MINUTES

April 14<sup>th</sup> – Settles moved to approve the minutes as mailed, seconded by O'Neal. Vote for **approval** was unanimous, 9-0. **Motion carried.**

### NEW BUSINESS

**Docket PC2008-018 – Re-zoning Petition – 301 S. Meridian** – Request to re-zone from R-2 Residential to C-2 Commercial for the purpose of developing a miniature golf course on property located adjacent to Mrs. Curl on S. Meridian St. – John Cassin, Applicant; Sean Cassin, owner.

John Cassin, applicant; Sean Cassin, owner; and several members of the audience were sworn.

John Cassin came forward and presented the request. He explained they are asking for rezoning from R-2 Residential to C-2 Commercial at 301 S. Meridian St. for the purpose of constructing a miniature golf course. The existing house on the property will remain. He reviewed the proposed layout of the golf course. He is proposing a bridge across the creek from Mrs. Curl Ice Cream site. Fencing along the property lines is proposed. There are approximately 10 parking spaces proposed along the front of the property on Meridian St. Mr. Cassin is attempting to obtain the property at the southeast corner of Main & Meridian to use for parking. An application has been submitted to DNR for their approval of work in the creek area.

The statutory criteria was presented as follows:

1. **Criteria:** This request complies with the Comprehensive Plan in the following way(s)  
**Answer:** The proposed use for the property is an 18 hole miniature golf course and will blend in with the surrounding structures and their family activity related themes of family fun and activities. Greenwood has also put a plan on the table to refurbish the downtown park area, located across the street from the proposed property site. This plan blends well with the proposal giving a family fun atmosphere with a beautiful curb appeal to relax and have fun.
2. **Criteria:** This request complies with the Current conditions and the character of current structures and uses in each district in the following ways: **Answer:** It will provide a fun, safe and family friendly place that would not only beautify the city but would blend in very well with the themes of existing properties in the area as well as with plans that have been proposed for the future.
3. **Criteria:** The request is for the most desirable use for which the land in this district is adapted **Answer:** The proposed land site and plan sits directly to the south of a creek. The proposed plan includes beautifying the creek, making it a focal point, and building a bridge across the creek. It fits in with the plan to revitalize downtown Greenwood and make it a place to go and relax in a family fun atmosphere.
4. **Criteria:** The request will not negatively affect the property values throughout the Jurisdiction because **Answer:** It will in fact increase their values. It will greatly increase the curb appeal of the property and thus increase the values of surrounding properties.
5. **Criteria:** This request is considered responsible development and growth because **Answer:** It will bring some beauty back to downtown Greenwood, while giving a safe, fun alternative place for family activities. It is about growing Greenwood.

The floor was opened for remonstrators. Shane Hardin, 303 S. Meridian, Grwd, came forward. He owns the property immediately south of the subject property. He provided photos showing his property and the surrounding area. Some of the proposed holes for the golf course, as shown on the colored rendering presented, appear to encroach on his property. An aerial of the area was distributed for the Commission's review. Also a copy of the original covenants of the subdivision which this lot is a part of was provided. Mr. Hardin is concerned about parking in the area, hours of operation of the golf course, location of the golf course in relation to his house and bedrooms, noise pollution, lighting, trash generated, and safety of his children playing in his backyard during the hours of operation of the golf course. Hardin presented a petition with several signatures opposing the rezoning request. Katie Hampton, 200 N. Brewer St., Grwd, came forward to speak in favor of the proposed golf course. She stated she is a student at the Middle School and feels many of the students would visit the golf course. Andrea Hampton, 200 N. Brewer St., Grwd, came forward. She also spoke in favor of the proposed golf course.

John Cassin came forward for rebuttal. He asked to clarify that the colored drawing presented is merely an artist's rendering and is not the official site plan. DNR will come up with the required elevations that must be met when the site is developed.

Hardin came forward for rebuttal. He stated he had spoken with DNR today and they have no record of anything being filed with them for this property. Kevin Sheetameier, 1010 Fiesta Dr., Grwd, came forward and was sworn. He spoke in opposition of the rezoning petition. He expressed concern about music being played at the site.

Tinkle inquired what hours of operation will be. Cassin replied 11 a.m. to 9 pm. during the spring and until 10 p.m. during the summer. O'Neal pointed out that this is not a site plan approval nor is it about the actual Mrs. Curl property. Kessinger expressed concern about parking. Tinkle asked the City Engineer whether the creek is a county legal drain. Mark Richards replied that he did not know and would have to research that. Tinkle pointed out that if the property is in the flood zone it would have to be approved not only by DNR but also by FEMA for construction.

The City Attorney reviewed the Statutory Criteria to be considered by the Commission.

Settles moved that the petition for a Zone Map Change for the rezoning of land known as the Cassin Property generally located on the east side of S. Meridian Street immediately south of Mrs. Curl Ice Cream Stand, within the City of Greenwood – Johnson County, Indiana, from R-1 Residential – Single-Family use to C-2 – Commercial – Tourist use, as set forth therein, receive an **unfavorable** recommendation from this Commission to the Greenwood Common Council and that the same be certified to the Greenwood Common Council in the form presented (there were no specific commitments in the Staff Report, however the motion included requiring the recommendations being met that were made by the Planning Director in the staff report (i.e. commitments restricting the retail commercial uses be required).

Seconded by Madsen. Vote for **approval** was unanimous, 9-0. **Motion carried.**

### **ANNOUNCEMENTS/REPORTS**

Findings of Fact – Sidewalk waiver approved at April 14<sup>th</sup> hearing (PC2007-057) – O'Neal moved to approve the Findings of Fact as presented, seconded by Bridges. Vote for **approval** was unanimous, 9-0. **Motion carried.**

The City Attorney presented the following two requests on behalf of the Planning Director: 1) Request for suspension of Plan Commission Rules of Procedure to allow variation in notices for pending annexation petitions PC2008-019 through PC2008-026; and 2) Request for ratification of changing jointing training workshop on May 28, 2008 to a Plan Commission public hearing in order to consider annexation petitions PC2008-019 through PC2008-026.

Bridges moved that the request for suspension of Plan Commission Rules of Procedures 3.01, 3.03, 4.01 D., and 4.01 E. regarding the form of petition, written notice to adjacent property owners, and on-site posting of notice of hearing on pending petitions, submitted by the Director of Planning, Zoning, Research and Development for annexation petitions PC2008-019, PC2008-020, PC2008-021, PC2008-022, PC2008-023, PC2008-024, PC2008-025, and PC2008-026 be granted, as requested, seconded by Settles. Vote for **approval** was unanimous, 9-0. **Motion carried.**

Kessinger moved to ratify changing the joint training workshop of May 28, 2008, to a Plan Commission meeting and public hearing agenda with a start time of 6:00 p.m. to hear Annexation petitions PC2008-019, PC2008-020, PC2008-021, PC2008-022, PC2008-023, PC2008-024, PC2008-025, and PC2008-026; that the May 28<sup>th</sup> agenda be limited to those annexation petitions only; and to direct staff to provide notice of the change in accordance with the Indiana Open Door Law, seconded by Settles. Vote for **approval** was unanimous, 9-0. **Motion carried.**

O'Neal moved to adjourn, seconded by Madsen. Meeting was adjourned at 7:50 p.m.

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JANICE NIX  
Recording Secretary

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PHIL TINKLE  
Vice-President